

UNITED STATES DISTRICT COURT
for the
District of Alaska

Superseding Petition for Warrant or Summons for Defendant Under Supervised
Release

Name of Defendant: Jeremy Lee Smith

Case Number: 3:12-CR-00080-03-RRB

U.S. Marshals Service No.: 16705-006

Name of Judicial Officer: Honorable Ralph R. Beistline, Senior United States District Judge

Date of Original Sentence: June 4, 2013

Original Offense: Counts 7 and 9, Wire Fraud in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2, Class C felonies

Original Sentence: Counts 7 and 9, 28 months on each count to run concurrently, followed by 3 years of supervised release on each count, to run concurrently.

Type of Supervision: Supervised Release

Date Supervision Commenced: March 30, 2017

Assistant U.S. Attorney: Andrea T. Steward

Defense Attorney: Burke Wonnell

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes the defendant has violated the following condition(s) of Supervised Release:

<u>Violation Number</u>	<u>Nature of Non-compliance</u>
1	The defendant violated the Mandatory Condition of Supervision "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 12 tests per month as determined by the probation officer," in that on May 3, 2018, the defendant admitted to using marijuana on April 29, 2018, as evidenced by a signed admission form. This is a Grade C violation.
2	The defendant violated the Mandatory Condition of Supervision "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 12 tests per month as determined by the probation officer," in that on May 3, 2018, the defendant reported to the probation office for a urine test and was later found to have a device in his possession, which he admitted was intended to defeat the urine testing process. This is a Grade C violation.

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DEFENDANT: Jeremy Lee Smith

CASE NUMBER: 3:12-CR-00080-03-RRB

- 3 The defendant violated the Mandatory Condition of Supervision "The defendant shall not commit another federal, state or local crime," in that on April 13, 2019, the defendant was charged with Domestic Violence Assault, as evidence by Anchorage Police Department (APD) case number 19-12975. This is a Grade C violation.
- 4 The defendant violated the Mandatory Condition of Supervision "The defendant shall not commit another federal, state or local crime," in that on April 13, 2019, the defendant was charged with Criminal Mischief, as evidence by APD case number 19-12975. This is a Grade C violation.

U.S. Probation Officer Recommendation:

The term of Supervised Release should be:

☒ Revoked

☐ Extended for _____ year, for a total term of _____ years.

☐ The conditions of Supervised Release should be modified as follows:

The defendant is assessed to be at risk for nonappearance due to the following factors:

- History of committing new law violations while on supervised release.
- Substance abuse history.
- History of failure to appear.
- Recent arrest for domestic violence assault and criminal mischief, APD case number 19-12975.
- History of tampering with the urine testing process by using a device.
- Pretrial, probation, parole, or supervised release noncompliance

The defendant is assessed as a risk of danger to the community due to the following factors:

- Supervised release noncompliance.
- History of committing new law violations while on supervised release.
- Substance abuse history.
- Pretrial, probation, parole, or supervised release noncompliance.
- Prior arrests and convictions for felony assault, felony misconduct involving a controlled substance, failure to stop at the direction of an officer, theft, felony misconduct with weapons, numerous arrests for misdemeanor assault, driving offenses, shoplifting, burglary, and robbery.
- Recent arrest for domestic violence assault and criminal mischief, APD case number 19-12975.

Based upon the above factors, there is no condition or combination of conditions to minimize these risks; therefore, this officer respectfully recommends the defendant be detained pending the resolution of this petition.

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The defendant's criminal history category at the time of sentencing was V, and the aforementioned allegations are Grade C violations, which carry an advisory sentencing guideline range of 7 to 13 months. The defendant's statutory maximum term of imprisonment is 2 years based on the original class of offense being a Class C felony.

Respectfully submitted,



Paula L. McCormick
U.S. Probation Officer
April 13, 2019

Approved by:



Beth A. Mader
Supervisory U.S. Probation Officer

UNITED STATES DISTRICT COURT
for the
District of Alaska

UNITED STATES OF AMERICA

vs.

JEREMY LEE SMITH

)
) Case Number: 3:12-CR-00080-03-RRB
)

) DECLARATION IN SUPPORT OF
) SUPERSEDING PETITION
)

I, Paula L. McCormick, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of Supervised Release for Jeremy Lee Smith, and in that capacity declare as follows:

On June 4, 2013, the defendant appeared before the Honorable Ralph R. Beistline, Senior U.S. District Judge and was sentenced to 28 months imprisonment, followed by three years of supervised release for two counts of Wire Fraud. The defendant's term of supervision began on March 30, 2017.

On May 3, 2018, the defendant reported to the probation office for a urine test, after providing a dilute sample on May 2, 2018. The defendant informed the probation officer taking the urine sample that he was unable to provide a urine specimen, and wanted to speak with this officer. The defendant was instructed to wait in the lobby, but before this officer could speak with him, the defendant left the lobby area and was seen by security staff leaving the federal building. This officer called the defendant and instructed him to report back to the probation office, which the defendant complied with.

Once the defendant returned to the probation office, the defendant again refused to provide a urine sample, but admitted to this officer he had smoked marijuana on April 29, 2018. The defendant signed a voluntary admission form, admitting to the use of marijuana. This officer asked the defendant why he had left the probation office and he reported he was late for work. This officer asked the defendant if he had driven to the probation office and the defendant stated he had taken public transportation. While this officer was speaking with the defendant, U.S. Probation Officers (USPO) searched the outside parking areas for the defendant's girlfriend's vehicle, which the defendant is known to drive. In a parking area outside the Federal Building, USPOs found the girlfriend's vehicle and officers could see in plain view, what appeared to be a urine device in the vehicle. The vehicle plates were run through the Alaska Public Safety Information Network (APSIN), and the vehicle came back registered to the defendant's girlfriend. Authorization was obtained to search the vehicle and the defendant provided the keys to this officer.

The defendant was present for the search of the vehicle and found in the vehicle was a device, which consisted of a bag with tubing attached, with a yellow substance in the bag, along with a small amount of marijuana in the trunk area of the vehicle. The defendant admitted to the use of the device and then provided a valid urine sample, which tested positive for marijuana. The defendant was allowed to leave the probation office for his employment.

On April 13, 2019, the defendant contacted this officer to report his wife was at his apartment and had stayed overnight. The defendant stated he did not spend the night with her, as they were attempting to work their issues out. The defendant reported he went to their apartment today, and found his wife in bed with another man. The defendant stated he did not assault his wife, nor the man, and left the scene. The defendant's wife called APD and officers were at the scene when the defendant showed back up to collect his belongings. After officers talked with the defendant's wife, the other man at the scene, and the defendant, it was determined the defendant had stabbed the bed with a knife, causing the defendant's wife to be in fear of her

DECLARATION IN SUPPORT OF SUPERSEDING PETITION

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CASE NUMBER: 3:12-CR-00080-03-RRB

life. The defendant was arrested and remanded on new law violations. This officer spoke with the APD officer who was at the scene and he stated the defendant was charged with Domestic Violence Assault and Criminal Mischief, as evidence by APD case number 19-12975.

Executed this 13th day of April 2019 at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.



Paula L. McCormick
U.S. Probation Officer